

One Wisconsin Institute Inc. v. Gerald Nichol et al.

15CV324BBC

Transcript of the Testimony of:

**David Aponte**

April 28, 2016



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David Aponte

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UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF WISCONSIN

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ONE WISCONSIN INSTITUTE,  
INC., CITIZEN ACTION OF  
WISCONSIN EDUCATION FUND,  
INC., RENEE M. GAGNER, ANITA  
JOHNSON, CODY R. NELSON,  
JENNIFER S. TASSE, SCOTT T.  
TRINDL, and MICHAEL R. WILDER,

Plaintiffs,

vs.

Case No. 15 CV 324

JUDGE GERALD C. NICHOL,  
JUDGE ELSA LAMELAS,  
JUDGE THOMAS BARLAND,  
JUDGE HAROLD V. FROEHLICH,  
JUDGE TIMOTHY VOCKE,  
JUDGE JOHN FRANKE,  
KEVIN J. KENNEDY, and  
MICHAEL HAAS, all in  
their official capacities,

Defendants.  
-----

Deposition of DAVID APONTE

Thursday, April 28, 2016

9:08 a.m.

at

GRAMANN REPORTING, LTD.  
740 North Plankinton Avenue, Suite 400  
Milwaukee, Wisconsin

Reported by Julie A. Poenitsch, RPR/RDR/CRR

1                   Deposition of DAVID APONTE, a witness in  
2     the above-entitled action, was taken at the instance of  
3     the Defendants, under and pursuant to the Federal Rules  
4     of Civil Procedure, and pursuant to Notice, before me,  
5     JULIE A. POENITSCH, RPR/RDR, Certified Realtime  
6     Reporter, and Notary Public in and for the State of  
7     Wisconsin, at GRAMANN REPORTING, LTD., 740 North  
8     Plankinton Avenue, Suite 400, Milwaukee, Wisconsin, on  
9     the 28th day of April, 2016, commencing at 9:08 a.m. and  
10    concluding at 12:37 p.m.

11  
12  
13                   A P P E A R A N C E S

14                   PERKINS COIE LLP, by  
15                   Mr. Charles G. Curtis, Jr.  
16                   One East Main Street, Suite 201  
                    Madison, Wisconsin 53703-5118  
                    appeared on behalf of the Plaintiffs.

17                   WISCONSIN DEPARTMENT OF JUSTICE, by  
18                   Mr. Gabe Johnson-Karp  
19                   17 West Main Street  
                    P.O. Box 7857  
                    Madison, Wisconsin 53707-7857  
                    appeared on behalf of the Defendants.

20                   ALSO PRESENT:  
21                   Ms. Dawn Maldonado, Interpreter  
                    Bylyngo Interpreting & Translation.  
22                   Ms. Lupe Ugent, private interpreter.  
23                   Mr. Jose Robles, brother-in-law.  
24  
25

## 1 I N D E X

## 2 EXAMINATION PAGE

3 By Mr. Johnson-Karp 4

4 By Mr. Curtis 71

5

6

7

## 8 E X H I B I T S

## 9 NUMBER PAGE IDENTIFIED

10 Exh. 1 9/16/14 application for Wisconsin ID 26

11 Exh. 2 Packet of documentation received from 34  
12 plaintiffs13 Exh. 3 6/10/15 letter to David Aponte from 49  
14 the Wisconsin Department of  
Transportation15 (Original exhibits were attached to original transcript;  
copies to transcript copies.)

16

17

18

## 19 R E Q U E S T S

## 20 ITEM REQUESTED PAGE

21 1. Any other paperwork indicating dates of 27  
22 applications

23

24

25

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1 TRANSCRIPT OF PROCEEDINGS  
 2 DAWN MALDONADO, interpreter, having been  
 3 first duly sworn to accurately interpret from  
 4 English to Spanish and Spanish to English.  
 5 DAVID APONTE, called as a witness herein  
 6 by the Defendants, after having been first duly  
 7 sworn, was examined and testified as follows:  
 8 EXAMINATION  
 9 BY MR. JOHNSON-KARP:  
 10 Q Good morning, Mr. Aponte.  
 11 A Okay.  
 12 Q My name is Gabe Johnson-Karp. I'm an assistant  
 13 attorney general with the State of Wisconsin, and I  
 14 represent the defendants in this matter.  
 15 Mr. Aponte, have you ever been deposed  
 16 before?  
 17 A No.  
 18 Q There are just a couple ground rules to remember  
 19 going through the deposition, and I'll go over  
 20 those right now. And if you could just tell me  
 21 that you understand or that you agree, that would  
 22 be helpful.  
 23 A Yes.  
 24 Q The purpose of this deposition is for the court  
 25 reporter to take down my questions and to take down

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1 your answers. Do you understand that?  
 2 A Yes.  
 3 Q And the court reporter needs your answers and my  
 4 questions to be audible. Do you understand that?  
 5 A What does that mean, "audible"?  
 6 Q You can't, for example, nod your head or shake your  
 7 head. You need to give a verbal answer. You need  
 8 to say, for example, "yes" or "no."  
 9 A Okay.  
 10 Q And it's important that we don't speak over one  
 11 another. I don't know that that will be as much of  
 12 a problem here, but I'll do my best to wait, and  
 13 I'd ask if you'll do the same. Is that okay?  
 14 A Yeah.  
 15 Q And I'll ask if I ask a question -- and you've  
 16 already done this -- if you don't understand,  
 17 please ask for me to explain it. If you answer the  
 18 question, I will understand you to have understood  
 19 the question. Is that okay?  
 20 A Okay.  
 21 Q Mr. Aponte, is there any reason that you cannot  
 22 give truthful and accurate testimony today?  
 23 A Yes.  
 24 Q There is a reason that you can't give truthful  
 25 testimony today?

1 A No, no, no, I'm sorry. I forgot. I forgot. I  
 2 came here to tell the truth.  
 3 Q Good. Thank you.  
 4 A I'm sorry. I didn't understand. I forgot that  
 5 word.  
 6 Q I'm just going to start with some background on  
 7 your early life. Could you tell me when and where  
 8 you were born?  
 9 A Well, my mother told me that I was born in  
 10 West Chester, Pennsylvania.  
 11 Q And when was that?  
 12 A Well, I was born 1/1/58, and when I was one year's  
 13 old, I went to Puerto Rico.  
 14 Q And at some point, did you find out that you had a  
 15 different birthdate than January 1st?  
 16 A Well, I went to Tampa, Florida, I went over there,  
 17 and when I went to social security, they changed my  
 18 birth year. I don't know why.  
 19 Q Did you ever inquire as to why social security knew  
 20 a different birthdate than what you had known your  
 21 entire life?  
 22 A I don't know why, because when I went over there, I  
 23 told them that that wasn't my date, that that was  
 24 my sister's date when she was my guardian. And  
 25 then they told me that I had to use that date.

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1 Q Who is your sister whose date that was?  
 2 A Juanita Aponte. She is my sister.  
 3 Q And her birthdate is June 17th?  
 4 A Yes.  
 5 Q And what year was she born?  
 6 A I don't know. I just know that, that's all I know.  
 7 Q And she's an older sister or a younger sister?  
 8 A I couldn't tell you. I couldn't tell you if she's  
 9 older or younger, because I have two other  
 10 siblings.  
 11 Q Is it fair to say, though, if she was your  
 12 guardian, that she was an older sister?  
 13 A I think she's younger than me, I think, because I'm  
 14 the second one. But my mom tells me that she's  
 15 older and that I'm younger, so I don't know.  
 16 Q And who are the other siblings?  
 17 A My brother, Carlos Aponte; and then the other one  
 18 that I met, Rosalina; and the other brother I met  
 19 here, Edward.  
 20 Q For a total of four siblings?  
 21 A Five.  
 22 Q With you.  
 23 A Yes.  
 24 Q And when was it that you found -- do you remember  
 25 the year that you found out from social security

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1 that June 17th was the birthdate that they had for  
 2 you?  
 3 A Well, it's when I went to Tampa, Florida, because I  
 4 always have used 1/1/58, and it's only when I went  
 5 over there that they told me that I had to use a  
 6 different date. And then when I came back over  
 7 here and I went to social security, they said, you  
 8 have to use that date, and I said, I don't  
 9 understand why, because my entire life I've used  
 10 1/1/58.  
 11 Q Do you remember roughly when you went to Tampa,  
 12 what year? Was it in, for example, the past five  
 13 years?  
 14 A Around 2004. '4 or '5, more or less. And I was  
 15 living in Tampa for ten years with my mother.  
 16 Q Both before and after that?  
 17 A What do you mean "before"?  
 18 Q When you first learned of the June 17th birthdate,  
 19 did you continue to live in Tampa after that?  
 20 A Yes.  
 21 Q And for -- when did you start living in Tampa?  
 22 A When I met my mother.  
 23 Q Do you remember what year that was?  
 24 A When I met my mom?  
 25 Q When you moved to Tampa with your mom.

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1 A Around 2004.  
 2 Q And you lived there for ten years, so you moved  
 3 here around 2014?  
 4 A Yes, correct.  
 5 Q Okay. Thank you. And what is your mother's name?  
 6 A Doris London.  
 7 Q And your father's name?  
 8 A Carlos Aponte.  
 9 Q Do you know when and where both your mother and  
 10 father were born?  
 11 A Well, my mother was born in Pennsylvania, and my  
 12 father was born in Jayuya.  
 13 THE INTERPRETER: Would you like the  
 14 spelling from the interpreter?  
 15 THE REPORTER: Please.  
 16 THE INTERPRETER: J-A-Y-U-Y-A.  
 17 THE REPORTER: Thank you.  
 18 BY MR. JOHNSON-KARP:  
 19 Q And are your parents still alive?  
 20 A Yes.  
 21 Q Both?  
 22 A Yes.  
 23 Q Are you in contact with both or either of them?  
 24 A Yes. I talk to them over the phone.  
 25 Q Frequently?

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1 A Yes. Well, I speak a little bit with my mom in  
 2 English, but I speak more with my father in  
 3 Spanish.  
 4 Q Okay. Thank you.  
 5 Other than the January 1st and the  
 6 June 17th, 1958, birthdates, are you aware of any  
 7 other birthdates that would be associated with your  
 8 name?  
 9 A No.  
 10 Q Going back to the point at which the Social  
 11 Security Administration informed you about  
 12 June 17th as your birthdate, what brought you to  
 13 the Social Security Administration at that point?  
 14 A Well, it's because I was receiving help for  
 15 disability here, so when I moved to Tampa, I had to  
 16 change my address, and then that's when I went in  
 17 and they told me that I had to use that date of  
 18 birth, June 17th, and I don't know why.  
 19 Q That help that you were receiving was through  
 20 social security. Was that SSI or something like  
 21 that?  
 22 A SSI.  
 23 Q And you had been receiving that before you moved to  
 24 Tampa; is that correct?  
 25 A Correct.

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1 Q But up until that point, social security had never  
 2 raised the issue of a June 17th birthdate; is that  
 3 correct?  
 4 A Correctly.  
 5 Q And do I understand correctly, from what you had  
 6 communicated to the DMV about getting an ID in  
 7 Wisconsin, that you hired an attorney to figure out  
 8 where you were born and your birthdate?  
 9 A Yes, over there in Tampa, Florida.  
 10 Q And what caused you to want to hire an attorney?  
 11 A It's because every time -- there was no birth  
 12 certificate for me, so every time I went somewhere,  
 13 it was a problem because I didn't have an  
 14 identification.  
 15 Q And did you hire the attorney before social  
 16 security informed you of the June 17 birthdate?  
 17 A Yes.  
 18 Q And what did the attorney discover, if anything,  
 19 about your birthdate and location where you were  
 20 born?  
 21 A Well, she was investigating, but then she became  
 22 sick with cancer, and then a week later she died,  
 23 and I never knew anything else.  
 24 Q So you didn't get any information from the  
 25 attorney?

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1 A No.

2 Q My understanding about the hospital in West Chester

3 is that that burned down; is that correct?

4 A Correct. Well, because, you know, I went to fill

5 out an application over there where you get the

6 licenses, and they told me that the hospital burned

7 down and they couldn't do anything for me.

8 Q Is that the DMV told you that the hospital burned

9 down?

10 A No. I was called from Madison. But I don't recall

11 the phone number because I've switched phones so

12 many times.

13 Q And that was after you applied for an ID -- for the

14 ID that's at issue in this case; is that correct?

15 A Yes, yes.

16 Q Are you aware of any other people in your family

17 named "David Aponte"?

18 A No.

19 Q Have you ever met another David Aponte?

20 A Well, I think in Tampa, Florida, there was a guy

21 named "David Aponte," but everybody's name is David

22 Aponte.

23 Q But in Milwaukee, no other "David Apontes"?

24 A Only me.

25 Q Okay. When you were growing up, did you live in

Page 13

1 Puerto Rico throughout your childhood?

2 A Yes, when I was one year old, with my grandmother.

3 Q When did you move from Puerto Rico?

4 A When I was one year old.

5 Q When did you move away from Puerto Rico?

6 A I'm sorry, I don't understand that.

7 Q How long did you live in Puerto Rico?

8 A Oh, boy, more than 23 years.

9 Q So until you were about 24 years old?

10 A Yes, more or less, but since I've never had a

11 birthday celebrated, I don't even remember.

12 Q Sometime after you were 20 years old, but before

13 you were 30?

14 A- Yes, I think so, yes, yes.

15 Q And where did you move when you first moved away

16 from Puerto Rico?

17 A Pennsylvania. Allentown, Pennsylvania, with my

18 sister.

19 Q And how long did you live there?

20 A Around three or four years, and then we came here

21 to Wisconsin.

22 Q So that was when you were in your late 20s or early

23 30s is when you first came to Wisconsin?

24 A Yes.

25 Q And did you live in Wisconsin continuously until

Page 14

1 you moved to Tampa around 2004?

2 A Yes, when I met my mother.

3 Q So just to clarify, you met your mother again in

4 2004, and that's when you moved to Tampa?

5 A Yes, because she came here, and I met her, and then

6 I left with her.

7 Q How did it come about that you met your mother in

8 2004?

9 A I really don't know about that.

10 Q Was your mother looking for you?

11 A Let me see. Let me remember. Well, I have some

12 siblings that I grew up with, stepsiblings, and he

13 found a sister of mine and told them where we

14 lived. That's what I remember now.

15 Q And did your sister then tell your mother where you

16 were?

17 A Yes, the three children, but my stepsister.

18 Q Your mother came to meet all three children?

19 A Yes.

20 Q You and two siblings?

21 A Yes, myself, my sister, and my other brother.

22 Q And which sister and brother are those?

23 A Carlos Aponte and Juanita Aponte. I've always

24 lived with them, always. We never separated.

25 Q So when you moved to Puerto Rico, Carlos and

Page 15

1 Juanita went with you?

2 A Yes, all three of us lived in Puerto Rico.

3 Q And when you went to Allentown, did they also --

4 did you all three go together?

5 A No. She went first.

6 Q "She," being Juanita?

7 A Yes. And then it was my brother and then myself.

8 Q And you all lived together in Allentown for some

9 period?

10 A Yes.

11 Q And did you all, the three of you, move to

12 Wisconsin together?

13 A Yes. That was for about two or three months. And

14 then my brother and I got an apartment separate,

15 because she was married with kids.

16 Q In Wisconsin?

17 A Yes.

18 Q And do you still live with them or close to them?

19 A No, now I live alone.

20 Q Do your siblings live close by?

21 A My brother and my sister live on Ninth Place.

22 Q And where do you live now?

23 A And I live on Seventh and Greenfield.

24 Q How long have you lived there?

25 A I'm going on one year. Well, around nine months.

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Page 16	Page 18
<p>1 Q Where did you live before that?</p> <p>2 A With my sister.</p> <p>3 Q On -- was that Ninth?</p> <p>4 A On Ninth, with my brother-in-law.</p> <p>5 Q Was that on the Ninth Place address?</p> <p>6 A Yes.</p> <p>7 Q And how long did you live there?</p> <p>8 A I lived there for about a year and something, like</p> <p>9 a year and two months.</p> <p>10 Q And was there anywhere else you lived since you've</p> <p>11 moved back from Tampa?</p> <p>12 A No. Since I came from Tampa, I have always --</p> <p>13 well, I lived with my sister, and then I got my own</p> <p>14 apartment.</p> <p>15 Q So correct me if I'm wrong, if you would, please.</p> <p>16 You lived in Tampa for ten years, ending around</p> <p>17 2014; then you lived at the Ninth Place address;</p> <p>18 and then you got your own place at Seventh and</p> <p>19 Greenfield.</p> <p>20 A Correct.</p> <p>21 Q Did you go to school when you were growing up in</p> <p>22 Puerto Rico?</p> <p>23 A Yes, up until fifth grade.</p> <p>24 Q After fifth grade, no school?</p> <p>25 A No.</p>	<p>1 remember much from Puerto Rico. I don't recall too</p> <p>2 much from Puerto Rico.</p> <p>3 Q Have you had any psychiatric treatment since you</p> <p>4 moved away from Puerto Rico?</p> <p>5 A Here, yes.</p> <p>6 Q You've received psychiatric treatment in Wisconsin?</p> <p>7 A Yes, with a psychiatrist, Bhatia.</p> <p>8 Q "Bhatia" is the doctor's name?</p> <p>9 A Yes.</p> <p>10 Q And when was that?</p> <p>11 A Oh, I think that was around '91, I believe, because</p> <p>12 I still have their records at home.</p> <p>13 Q In 1991, did you say?</p> <p>14 A Yes.</p> <p>15 Q And was that related to the head injuries when you</p> <p>16 were young, or was it related to something else?</p> <p>17 A I couldn't tell you how that was.</p> <p>18 Q You don't know why you were --</p> <p>19 A No, I don't recall that too well.</p> <p>20 Q You don't recall the treatment or you don't recall</p> <p>21 the reason for the treatment?</p> <p>22 A I don't recall too well if it was for treatment. I</p> <p>23 just don't remember. I don't remember much</p> <p>24 anymore.</p> <p>25 Q Have you had any psychiatric treatment since 1991?</p>
Page 17	Page 19
<p>1 Q Did you work?</p> <p>2 A No. I was in psychiatric treatment.</p> <p>3 Q From age fifth grade until when?</p> <p>4 A I don't know. It's been so many years. Let's see,</p> <p>5 I was in psychiatric treatment, I don't know, until</p> <p>6 '80-something. No, I think until '79, 1979.</p> <p>7 Q And that was an institution of psychiatric</p> <p>8 treatment?</p> <p>9 A Okay. No, it was that I would go for my</p> <p>10 appointments, and they would take me to my</p> <p>11 appointments with the psychiatrist, and I would get</p> <p>12 my treatment, and then I would go back home, and I</p> <p>13 would stay with my aunt, because I was staying by</p> <p>14 my aunt.</p> <p>15 Q Why were you in psychiatric treatment?</p> <p>16 A Well, because I had so many head injuries, and then</p> <p>17 I had a car accident, and then I fell down a steep</p> <p>18 hill, and that's where all the illnesses came from.</p> <p>19 I had no control.</p> <p>20 Q So in around 1979, I think you said, you stopped</p> <p>21 psychiatric treatment; is that correct?</p> <p>22 A Yes.</p> <p>23 Q Was that because any negative effects on your brain</p> <p>24 or on your head had been cured or resolved?</p> <p>25 A Well, I really don't remember. I really don't</p>	<p>1 A No, no more. No, because the doctor left to go</p> <p>2 somewhere else, and I couldn't find anything else.</p> <p>3 Q Do you believe you still need psychiatric</p> <p>4 treatment?</p> <p>5 MR. CURTIS: Object to that question. I</p> <p>6 think you're getting into pretty personal details</p> <p>7 as far as someone -- about him seeing -- receiving</p> <p>8 psychiatric treatment. I'm not sure I see the</p> <p>9 relevance to my client getting a voter ID with</p> <p>10 asking him questions about psychiatric treatment.</p> <p>11 THE INTERPRETER: You can go ahead. I'll</p> <p>12 just keep interpreting.</p> <p>13 MR. JOHNSON-KARP: And I think I'll try</p> <p>14 to confine any questioning to memory, because I</p> <p>15 think that was the representation that the</p> <p>16 treatment was brought about.</p> <p>17 Q Since 1991, have you noticed or received treatment</p> <p>18 for any memory problems?</p> <p>19 A Let me ask the attorney.</p> <p>20 MR. ROBLES: May I say something?</p> <p>21 Because I know everything that's going through</p> <p>22 medication right now.</p> <p>23 MR. JOHNSON-KARP: He's on medication</p> <p>24 right now?</p> <p>25 MR. ROBLES: Yes, he's in treatment right</p>



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1 now. He's getting treatment right now.  
 2 MR. JOHNSON-KARP: Right now in this  
 3 deposition?  
 4 MR. ROBLES: In the state -- in the state  
 5 of Wisconsin, in this moment, he got it, seek out  
 6 the treatment. The problem that he got, he got --  
 7 his mental state is like a little child. So you  
 8 ask him a question back into the time, he not going  
 9 to remember a lot a lot of stuff.  
 10 So he got a lot of problem with memories  
 11 and stuff in the past, and that's something  
 12 confusing. That's why he's got to be in -- you  
 13 know, look it out like an inconfloor [phonetic]  
 14 with the question, because he don't know what he  
 15 want to say, because he not remember nothing.  
 16 See, I can help him, yes, I can tell you  
 17 a lot of what is going around his family, because,  
 18 you know, his studies is very unique because the  
 19 mother and the father dispelled [phonetic] the life  
 20 when he got one year old.  
 21 THE REPORTER: I'm sorry, they did what?  
 22 The mother and the father, they --  
 23 MR. CURTIS: I don't know if we're on the  
 24 record or off the record. Maybe we should -- let's  
 25 go off the record for a second.

Page 21

1 (There was discussion off the record.)  
 2 MR. JOHNSON-KARP: On the record.  
 3 Q Mr. Aponte, I just want to confirm on the record  
 4 that up until this point, you've stated that you  
 5 understood the questions I've been asking mostly?  
 6 A Yes.  
 7 Q And those that you didn't understand, you asked for  
 8 clarification?  
 9 A Correct.  
 10 Q And are you comfortable continuing right now? Do  
 11 you feel that you're able to continue understanding  
 12 my questions?  
 13 A Not much.  
 14 MR. CURTIS: I think what he's getting  
 15 at, maybe it's, you know, the big words, things  
 16 like that.  
 17 MR. ROBLES: Take a break so I can talk  
 18 with him.  
 19 MR. CURTIS: Is it okay?  
 20 MR. JOHNSON-KARP: That's fine.  
 21 (There was discussion off the record.)  
 22 MR. JOHNSON-KARP: On the record.  
 23 Q We've just taken a little break to make sure you  
 24 feel comfortable proceeding; is that correct?  
 25 A Yes, yes.

1 Q And you are comfortable proceeding?  
 2 A Yes, yes.  
 3 Q And you feel that you're able to tell the truth to  
 4 my -- or to answer my questions?  
 5 A Yes.  
 6 Q And if there is a question the answer to which you  
 7 don't remember, will you be sure to say that,  
 8 please?  
 9 A Okay.  
 10 MR. CURTIS: It's okay to say you don't  
 11 remember. You don't want to guess. Just tell the  
 12 truth.  
 13 THE WITNESS: Okay.  
 14 BY MR. JOHNSON-KARP:  
 15 Q Now, I think we were talking about where you lived.  
 16 That's Seventh and Greenfield. That's where you  
 17 live now, correct?  
 18 A Correct.  
 19 Q Do you have any plans to move from there?  
 20 A Yes.  
 21 Q When are you planning to move?  
 22 A When I have my ID.  
 23 Q You'll move from Seventh and Greenfield when you  
 24 have an ID?  
 25 A Yes.

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1 Q Why do you need an ID to move from there?  
 2 A Well, because in order for me to move, I have to  
 3 have an ID, because I get housing, but I can't get  
 4 an apartment without an ID, and the one I got now,  
 5 they gave it to me because I took all the papers in  
 6 indicating that I was fighting this case, and for  
 7 now, they gave it to me.  
 8 Q And did they tell you that they won't let you move  
 9 another time without an ID?  
 10 MR. CURTIS: I object to the question  
 11 because nobody said they wouldn't let him move. I  
 12 believe he said that he wasn't able to rent or  
 13 obtain a place, but it wasn't anybody not letting  
 14 him move. Misstates the testimony, in other words.  
 15 BY MR. JOHNSON-KARP:  
 16 Q We can walk back. If you could just tell me, if  
 17 you know, who told you that you needed an ID for  
 18 housing?  
 19 A It's in the contract.  
 20 Q In the contract with whom?  
 21 A From housing.  
 22 Q And is that public housing?  
 23 A I don't know. Can I ask my brother-in-law?  
 24 MR. CURTIS: I'm not sure we ought to be,  
 25 you know, going on -- if he --

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1 BY MR. JOHNSON-KARP:  
 2 Q If you don't know --  
 3 MR. CURTIS: Yeah. Go ahead. If you  
 4 don't know, just say you don't know. It's okay.  
 5 THE WITNESS: Okay. That's fine.  
 6 BY MR. JOHNSON-KARP:  
 7 Q But just to be clear, you were told that you need  
 8 an ID to get housing; is that correct?  
 9 A Correctly.  
 10 Q And did the people in housing tell you that in  
 11 order to move, you need to get an ID?  
 12 A Yes.  
 13 Q And when was that?  
 14 A Well, it's been going on two years.  
 15 Q Did they tell you you needed an ID to move before  
 16 you applied for an ID?  
 17 THE INTERPRETER: Could you repeat that  
 18 for the interpreter?  
 19 BY MR. JOHNSON-KARP:  
 20 Q Did whoever told you you need an ID to move tell  
 21 you that before you applied for an ID?  
 22 A No. I went to pick up the application with a  
 23 friend, and that's when they told me that I needed  
 24 the ID.  
 25 Q Which application did you pick up?

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1 A I don't remember which. I don't recall. I have  
 2 the documents at home, but I don't recall the  
 3 place.  
 4 Q Was this an app --  
 5 MR. CURTIS: I think he's talking about  
 6 the housing.  
 7 THE WITNESS: Yes.  
 8 BY MR. JOHNSON-KARP:  
 9 Q That was -- you picked up the housing application?  
 10 A Yes, with my friend.  
 11 Q And then they told you you need an ID?  
 12 A Yes. But everywhere I go, they ask for an ID.  
 13 Q And after you picked up the housing application and  
 14 they told you you need an ID, is that when you  
 15 started applying for an ID?  
 16 A No. I've been seeking my birth certificate for  
 17 years. I've been battling this for ten years.  
 18 Q Now, distinguishing between your birth certificate  
 19 and a Wisconsin ID, do you remember how long you've  
 20 been looking for a Wisconsin ID, not a birth  
 21 certificate?  
 22 A Oh, more than two years.  
 23 Q Two years.  
 24 (Exhibit 1 marked for identification.)  
 25

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1 BY MR. JOHNSON-KARP:  
 2 Q Handing you a document that's been marked  
 3 Exhibit 1. Do you recognize that document?  
 4 A What is this? Oh, is this to get the birth  
 5 certificate?  
 6 MR. CURTIS: No, no, no. This was --  
 7 Do you mind, counsel, if I --  
 8 MR. JOHNSON-KARP: No, not at all.  
 9 MR. CURTIS: This was the application to  
 10 get your Wisconsin ID. So when you went to DMV,  
 11 this was the application that you filled out. This  
 12 is you, yes?  
 13 THE WITNESS: Okay. Now I'm remembering.  
 14 MR. CURTIS: And then later, this is  
 15 another form you filled out, and this was also for  
 16 your Wisconsin ID. And so it has your information  
 17 there. That's somebody else.  
 18 I'm just showing him this wasn't him.  
 19 But up here.  
 20 THE WITNESS: Okay. This is where my  
 21 brother-in-law took me.  
 22 MR. CURTIS: Okay.  
 23 THE WITNESS: Yes.  
 24 BY MR. JOHNSON-KARP:  
 25 Q And do you remember filling this out?

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1 A Yes. I filled out so many, but yeah.  
 2 Q So does the date of September 2014 sound about  
 3 right for when you first applied for a Wisconsin  
 4 ID?  
 5 A No. I requested it plenty, but they would never  
 6 give it to me.  
 7 Q Did you fill out any other paperwork indicating  
 8 when you applied for an ID?  
 9 A I don't recall, no.  
 10 MR. JOHNSON-KARP: Counsel, I would just  
 11 ask to the extent that there is any other paperwork  
 12 indicating dates of applications, if we could see  
 13 that, please.  
 14 MR. CURTIS: For the ID?  
 15 MR. JOHNSON-KARP: Right. My  
 16 understanding is this was when the ID PP  
 17 application started. If there were any other forms  
 18 that he would have leading up to that point.  
 19 MR. CURTIS: Okay. Sure. I will  
 20 double-check with him. But, counsel -- and I  
 21 assume this is on the record -- I'm not aware of  
 22 any. All that I'm aware of is the MV3004 and then  
 23 the MV3012, which I believe he just filled out  
 24 once, but we'll certainly check.  
 25 MR. JOHNSON-KARP: Okay. Thank you.

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1 Q Now, just to clarify, do you remember filling out  
2 this form in around September of 2014?  
3 A Yes, when I went with my brother-in-law.  
4 Q Where did you go for that?  
5 A I don't know. Somewhere over there, like vehicle  
6 something. Ask him. He knows the name.  
7 Q Was it the Department of Motor Vehicles?  
8 A Yes.  
9 Q And was that here in Milwaukee, not in Madison?  
10 A (Witness nods head.)  
11 Q Okay.  
12 THE REPORTER: Out loud, please.  
13 THE WITNESS: Yes.  
14 BY MR. JOHNSON-KARP:  
15 Q Have you voted in Wisconsin?  
16 A Yes.  
17 Q When was the last time you voted in Wisconsin?  
18 A It's been more than -- more than four years. And I  
19 didn't have an ID, and I voted. And this year that  
20 I went to vote, they didn't allow it, so I'm on the  
21 list.  
22 Q You say it's been more than four years since you  
23 voted in Wisconsin, correct?  
24 A Yes.  
25 Q How many times, if you recall, have you voted in

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1 Wisconsin?  
2 A I don't recall, but many. So many times I voted.  
3 Q Would you say you vote in every presidential  
4 election?  
5 A Yes. I voted for Ronald Reagan, and that's the  
6 only one I remember, that's it.  
7 Q And I'm not asking you who you voted for, but just  
8 for time frame.  
9 When Bill Clinton ran for president, did  
10 you vote?  
11 A I don't remember.  
12 Q Do you remember if you voted when Al Gore and  
13 George W. Bush were running for president?  
14 A No, I don't recall. I don't even recall those  
15 names.  
16 Q And do you recall if you voted when George Bush and  
17 John Kerry were running for president?  
18 A I don't recall the other -- I don't remember the  
19 other one.  
20 Q And you don't recall if you voted, or you don't  
21 recall those names?  
22 A I do recall I voted for one, but I don't recall the  
23 other one.  
24 Q Voted for one of those two people when it was Kerry  
25 and Bush?

1 A I do remember that I voted for Bush, but that's it.  
2 Q But you don't remember which year that was?  
3 A No, I don't recall.  
4 Q When John McCain and Barack Obama were running for  
5 president, do you remember voting?  
6 A Okay. When Obama started, I didn't vote.  
7 Q So that would have been 2008, you did not vote in  
8 2008; is that correct?  
9 A 2008? I don't recall that. I don't recall any of  
10 that. I just remember that I voted four years ago,  
11 and then this year I didn't vote. And my  
12 brother-in-law is the one who took me to go vote.  
13 I voted, but I didn't have an ID. He knows; I  
14 don't know anything.  
15 Q And the last time you voted, was it for president,  
16 or was it for some other office?  
17 A I wasn't allowed to vote.  
18 Q When you were allowed to vote.  
19 A For president, I believe.  
20 Q And was that when Obama and Romney were running?  
21 A Yes, I believe so.  
22 Q And have you voted since then?  
23 A No.  
24 Q And that was in Wisconsin that you voted in the  
25 election for Romney and Obama?

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1 A Yes, yes.  
2 MR. JOHNSON-KARP: Should we take a  
3 break?  
4 MR. CURTIS: No. I mean, are you okay?  
5 Do you want to take a break?  
6 THE WITNESS: Yes, a break. And I have  
7 to drink coffee because I have a headache.  
8 MR. CURTIS: Oh, okay.  
9 MR. JOHNSON-KARP: I can understand that.  
10 (A recess was taken from 10:11 a.m. to  
11 10:22 a.m.)  
12 (Exhibits 2 and 3 were marked for  
13 identification.)  
14 BY MR. JOHNSON-KARP:  
15 Q Mr. Aponte, I understand you said when we were off  
16 the record that you're in a great deal of pain; is  
17 that correct?  
18 A Yes, because I've had surgery on my back and on my  
19 neck, and I have a part here, and it really hurts,  
20 and I have two screws here holding that piece in  
21 place.  
22 Q Would you -- do you feel that you're unable to  
23 continue today?  
24 A No, let's continue, let's continue.  
25 Q You feel that you're able to, even in light of the

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1 pain, provide truthful answers today?

2 A Yes, yes, yes, yes, yes.

3 Q Okay. Thank you.

4 And if the pain gets so bad, please let

5 us know, and we can take breaks; or if you feel

6 that you're unable to continue, please let us know.

7 A No, let's continue, let's continue, let's continue.

8 Q We were talking about the last time you voted, and

9 you said you do remember voting when Obama and

10 Romney were running for president; is that correct?

11 A Yes.

12 Q And at the time, were you living in Florida when

13 Obama and Romney were running for president? That

14 would have been 2012.

15 A In 2012, yes, I was in Florida, yes. But I don't

16 remember -- I don't know. I don't know. I don't

17 remember.

18 I know that I came in 2014, and I know I

19 voted, but I don't know if it was for Obama or -- I

20 don't remember. Because in 2012, I was in Tampa,

21 Florida.

22 Q In 2014, do you remember voting in the election for

23 Wisconsin governor, which would have been Scott

24 Walker and Mary Burke? And I'm not asking who you

25 voted for.

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1 A Yes, correct.

2 Q You did vote in 2014?

3 A Yes.

4 Q For Wisconsin governor?

5 A Correctly, yes. I wasn't on the list, and they

6 allowed me to vote. And now that I am on the list,

7 they didn't let me vote.

8 Q Did you have to register to vote in 2014?

9 A No, because I went with my brother-in-law for the

10 election, and then I went in, and I didn't have an

11 ID, and my name -- I did not have an ID, and my

12 name was not on the list, and they signed me up

13 right there.

14 Q Do you remember if they asked for any documents for

15 you to get on that list in 2014?

16 A No.

17 Q You didn't have to show a utility bill or a bank

18 statement?

19 A No. They said vote, and I voted. But this year I

20 didn't vote, and I'm on the list.

21 Q Are you familiar with the process of absentee

22 voting?

23 A No, I don't know.

24 Q I think it goes without saying then, you've never

25 used the absentee voting process?

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1 A I don't even know what that is. I don't recall

2 that, and I don't understand what you're saying.

3 Q Have you ever mailed in a vote?

4 A No. I've received letters, but I couldn't do

5 anything because they were asking for an ID.

6 Q Letters from whom?

7 A The ones to vote, where they tell you where to

8 vote, but I haven't gone because I don't have an

9 ID, and they're not going to let me vote.

10 Q I'm handing you what's been marked Exhibit 2. And

11 you can take your time looking this stuff over.

12 A It's in English.

13 Q Do you recognize -- I'm looking at the second page.

14 Is this one of the letters that you're talking

15 about?

16 A Let me see. As far as I recall, I think so.

17 Q But you weren't able to take any action because you

18 didn't have an ID; is that correct?

19 A Yes. Oh, this is the application that they sent me

20 so I could go vote.

21 Q And that was very recently; is that correct? I'm

22 looking at the second page.

23 A Yes, I did get this, but I couldn't do anything

24 because I didn't have an identification. Because

25 every letter that I get that's in English, I

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1 usually take it to my sister or to my

2 brother-in-law so they can help me.

3 Q And did you show this letter to your sister or

4 brother-in-law?

5 A Well, it's so many letters that I get that I really

6 don't remember if I gave it to them or if I didn't,

7 and I have them all put away in a drawer, but I do

8 remember getting this, though. Wait. And this

9 one, what's this one for? Oh, this is from

10 vehicles, where I applied.

11 Q Do you recall --

12 MR. CURTIS: Is this a separate exhibit,

13 counsel, or is the DMV correspondence part of the

14 voter participation center exhibit?

15 MR. JOHNSON-KARP: I had marked this

16 whole stapled packet Exhibit 2, and just for the

17 record, this is what was produced to us.

18 MR. CURTIS: From -- oh, from us?

19 MR. JOHNSON-KARP: That you produced to

20 us.

21 MR. CURTIS: Oh, got it. Got it. Okay.

22 THE WITNESS: Now I'm remembering this.

23 This is a copy I had before.

24 MR. JOHNSON-KARP: This is a segment of

25 what you produced. I think there was information

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1 on various plaintiffs, and I just cut out what was  
2 for the other plaintiffs.

3 MR. CURTIS: Okay. I was just -- I was  
4 just wondering if the 2014 packet was part of the  
5 2016, because it looks like they're two different  
6 transactions.

7 MR. JOHNSON-KARP: Right. I just figured  
8 get it all -- get it all there.

9 MR. CURTIS: That's fine.

10 THE WITNESS: And this right here, this  
11 is the one what housing gave me so that I could go  
12 get an ID for the apartment, but since I don't have  
13 an ID, I couldn't get one. They told me to go to  
14 that place there.

15 BY MR. JOHNSON-KARP:  
16 Q And you're talking about what's labeled page  
17 PLF11579?  
18 A What was that?  
19 MR. CURTIS: That's a hard question.  
20 BY MR. JOHNSON-KARP:  
21 Q Is this what you were saying was given to you by  
22 housing?  
23 A Yes. Yes, with the information from housing,  
24 directing me to go to this place to get an ID. And  
25 I told them that I did not have an identification,

1 A Yes. They said to go over there to an office,  
2 somewhere over there, and to ask for my records for  
3 the food stamps, but they didn't find anything.  
4 And I had an ID before from the county, when I used  
5 to get food stamps before.  
6 Q And that was a picture ID from Milwaukee County?  
7 A Yes, it said the county. County, Wisconsin.  
8 Q When did you get that ID?  
9 A I don't remember. I really don't recall.  
10 Q Do you still have that ID?  
11 A No. I lost everything. I reported it, but they  
12 never showed up.  
13 Q When did you lose that?  
14 A When I was in Tampa, Florida. When I moved from my  
15 mother's place to my other apartment. Because my  
16 stepbrother, he loaded things wrong, and then the  
17 drawer came out of place, and it got lost with  
18 wallet and money and everything.  
19 Q And this is when you lived in Tampa?  
20 A Yes.  
21 Q So since you moved back from Florida, you haven't  
22 had a photo ID; is that correct?  
23 A No.  
24 Q But that Milwaukee County food stamps ID you had  
25 before you moved to Tampa.

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1 and they told me to go to this place and that they  
2 would give me one there.

3 MR. CURTIS: And, counsel, just for  
4 clarity on the record, I confirmed that you and my  
5 client are both looking at the same page.

6 MR. JOHNSON-KARP: Thank you.

7 Q Now, looking at the next page, what's marked  
8 PLF11580, do you recognize this document?  
9 A Well, this here, now I remember, it's because at  
10 one point I used to have a county ID, and it had my  
11 picture on it and everything, and it's the one I  
12 had because I was getting food stamps.

13 So then when I went, they told me to go  
14 to this place and get an ID, but then I went, and  
15 they couldn't find it in the computer, and they  
16 didn't give it to me. I went with a friend who  
17 took me.

18 Q And who wrote these -- who wrote this document?  
19 A Yes, this is the place -- they wrote this for me at  
20 the place where you go for the food stamps. I  
21 don't remember the name. What's the name of that  
22 place? I don't know. I don't know. It's probably  
23 somewhere around Sixth or something.

24 Q And the people at the food stamp place wrote these  
25 down for you to get a picture ID; is that correct?

1 A Yes.  
2 Q Did you have any other photo IDs?  
3 A No. I had taken copies before it was lost, but  
4 they said that that wasn't good enough, that they  
5 wanted the original. Yes, and I also had a copy of  
6 my social security card. And then they said, well,  
7 a copy is not good enough. And I said, well, why  
8 not? It's my social security card. And they said,  
9 no, sorry, it is just not good enough.  
10 So then it wasn't until I returned over  
11 here that my brother-in-law was able to take me to  
12 the social security office, and there I got another  
13 social security card.

14 Q Other than the Milwaukee County picture ID that you  
15 used for food stamps, do you recall ever having a  
16 picture ID?  
17 A No, no.  
18 Q That was the only picture ID you ever had?  
19 A That's the only one I've had, because the others  
20 were lost.  
21 Q But you have had others?  
22 A The Puerto Rican ID.  
23 Q You had a photo ID in Puerto Rico?  
24 A Yes, but I lost all of that. But since I wasn't  
25 born in Puerto Rico, there was nothing they could



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<p>1 do or they couldn't give it to me. Because I had a</p> <p>2 friend that went over there to find out, but</p> <p>3 because I wasn't born there, I was unable to get</p> <p>4 it.</p> <p>5 Q You did have a Puerto Rican ID, or you did not have</p> <p>6 a Puerto Rican ID?</p> <p>7 A Yes, because I voted in Puerto Rico.</p> <p>8 Q And that was a photo ID in Puerto Rico?</p> <p>9 A Yes.</p> <p>10 Q But since you've moved from Puerto Rico, other than</p> <p>11 the Milwaukee County ID, you haven't had any photo</p> <p>12 ID; is that correct?</p> <p>13 A Correct.</p> <p>14 Q Have you still been receiving food stamps?</p> <p>15 A I still do receive food stamps, but different</p> <p>16 dates. And the same with Medicaid.</p> <p>17 Q And the food stamp ID that you used before -- I</p> <p>18 should say -- strike that question.</p> <p>19 You had a Milwaukee County ID that you</p> <p>20 used for food stamps before you lost it; is that</p> <p>21 correct?</p> <p>22 A Correct. And I used 1/1/58.</p> <p>23 Q And you're still able to get food stamps without</p> <p>24 that ID; is that correct?</p> <p>25 A Yes. Yes, I'm still receiving it.</p>	<p>1 Q Have you ever opened a bank account?</p> <p>2 A Yes, I do have an open bank account.</p> <p>3 Q And did you have to show some sort of ID to open</p> <p>4 that bank account?</p> <p>5 A Yes, I do. Well, the thing is that my mother,</p> <p>6 she's the one who took me to open the bank account,</p> <p>7 and I had to take a letter in from Social Security</p> <p>8 Administration, and I couldn't use the birthdate of</p> <p>9 1/1/58, I had to use 6/17/58. And that's where I</p> <p>10 received my checks there every month, directly to</p> <p>11 the bank.</p> <p>12 Q So you showed your social security card; is that</p> <p>13 correct?</p> <p>14 A Correct, and a letter from social security.</p> <p>15 Q Using the June 17th birthdate?</p> <p>16 A Yes, that's the one I was given, and I don't know</p> <p>17 why.</p> <p>18 Q You mentioned earlier celebrating birthdays. Do</p> <p>19 you ever celebrate a birthday?</p> <p>20 A Never been celebrated, never. I don't know. I've</p> <p>21 never had a birthday celebrated ever. I don't even</p> <p>22 know how many years it would be. I just don't</p> <p>23 know. I couldn't tell you because I've never had</p> <p>24 one celebrated.</p> <p>25 Actually, I think the first time I had a</p>
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<p>1 Q And did you also say you're receiving Medicaid</p> <p>2 benefits?</p> <p>3 A I do, but I'm also having issues with that because</p> <p>4 of the different birthdates.</p> <p>5 Q Are you currently receiving Medicaid benefits?</p> <p>6 A Yes, disability.</p> <p>7 Q Disability. Is that SSI?</p> <p>8 A SSI.</p> <p>9 Q Do you remember when you first applied for SSI?</p> <p>10 A I think the first time was in Pennsylvania, when I</p> <p>11 was with my sister.</p> <p>12 Q And that was when you lived in Allentown?</p> <p>13 A Yes, correct.</p> <p>14 Q So roughly when you were in your 30s?</p> <p>15 A Yes, more or less.</p> <p>16 Q Sure. And since you first applied, have you been</p> <p>17 receiving SSI continuously?</p> <p>18 A Yes, every month.</p> <p>19 Q You've never had a passport?</p> <p>20 A I tried to get one in Tampa, Florida, but I wasn't</p> <p>21 able to because I didn't have a birth certificate.</p> <p>22 Q Have you ever been married?</p> <p>23 A No. I had a girlfriend.</p> <p>24 Q But never married her?</p> <p>25 A No.</p>	<p>1 birthday was when my sister did one for me. That's</p> <p>2 the only one I recall, the one that my sister did</p> <p>3 for me, and I don't even know how old I was.</p> <p>4 Q And was that for January 1st or June 17th?</p> <p>5 A No, 1/1/58, the one I always use.</p> <p>6 Q Would it be fair to say then that you consider</p> <p>7 yourself as having a birthdate of January 1st,</p> <p>8 1958?</p> <p>9 A Yes, because I have here the baptism record from</p> <p>10 Puerto Rico, and I got to Puerto Rico when I was</p> <p>11 one year old, and then here is my baptism date,</p> <p>12 which was in 1960, and I was two years old.</p> <p>13 And then here it says that my mom was</p> <p>14 born in Ponce.</p> <p>15 THE INTERPRETER: P-O-N-C-E.</p> <p>16 THE WITNESS: And that's not accurate,</p> <p>17 because my mother's not Puerto Rican; my mother is</p> <p>18 an American.</p> <p>19 BY MR. JOHNSON-KARP:</p> <p>20 Q So the baptism certificate -- and just for the</p> <p>21 record, we're looking at Exhibit 2, page</p> <p>22 PLF11581 -- it lists Ponce as your mother's place</p> <p>23 of birth, but she was not born in Ponce?</p> <p>24 A No, she was not born in Ponce. And then also, as</p> <p>25 far as grandparents, it says that my grandparents</p>

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1 are Cristiana -- my grandmother is Cristiana  
 2 London, but how would they know that? They don't  
 3 even know my mom, so there's no way that they could  
 4 know that.  
 5 Q But Cristiana London was, in fact, your  
 6 grandmother, correct?  
 7 A Yes. May she rest in peace.  
 8 And then here it says David London was  
 9 born in Jayuya on the 1st of January of 1958, but I  
 10 wasn't born in Jayuya; I was born in Pennsylvania.  
 11 Q When did you receive this document that we've been  
 12 talking about?  
 13 A Yes, this I received, I would say, about four years  
 14 ago, where -- and it was over the phone, where I  
 15 had a friend of mine help me over there to obtain  
 16 my baptism records and all my school records.  
 17 Q And on the bottom, it says 27th of February, 2013.  
 18 Is that about right?  
 19 A That's the first time I see that date, so I don't  
 20 know. That's the day that they sent it. I think  
 21 so. That's what I remember. I think. I'm not  
 22 sure. It's so many that I just don't know.  
 23 Q But you said about four years ago, you think?  
 24 A Yes, about four years, more or less.  
 25 Q Okay. And is that -- if we turn to the next page,

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1 the next few pages, is that about the same time  
 2 that you received these school records?  
 3 A Yes. And here it comes out that I was born in '58,  
 4 and then here on the bottom, it says "Flora  
 5 Acevedo," and that would be my father's mother, and  
 6 she's the one that mostly raised me.  
 7 Q And at that time, you did not live with your  
 8 mother. Your mother was still in Pennsylvania; is  
 9 that correct?  
 10 A Who? My mom? I don't know where she lived because  
 11 I didn't know. I was very small and in  
 12 Puerto Rico. I don't know if she lived in  
 13 Pennsylvania or in Tampa, I don't know. It's too  
 14 much. I don't know.  
 15 Q But growing up, you lived with your grandma?  
 16 A Yes, with my father's mother.  
 17 Q Have you ever had to show an ID when applying for a  
 18 job?  
 19 A No. I've never been able to work in the condition  
 20 I was in.  
 21 Q Have you ever driven a car?  
 22 A Yes, but without a license.  
 23 Q I won't tell. Have you ever taken an airplane?  
 24 A Yes, when I had my county ID, yes, I did, but now I  
 25 got to go on the bus, and that is a long ride all

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1 the way to Tampa, Florida.  
 2 Q So you were able to get on a plane with your county  
 3 photo ID, but not anymore?  
 4 A Yes, not anymore. I used to be able to go with my  
 5 mom to go see my grandmother, but that's the only  
 6 time I flew. And now I can't fly anywhere, and now  
 7 I have to go on the bus.  
 8 Q Have you ever had a hunting or fishing license?  
 9 A Never.  
 10 Q Do you ever have to show an ID to pick up a  
 11 prescription for medication?  
 12 A No, I can't, because I always take my  
 13 brother-in-law. I can pick up the other medicines  
 14 myself, but for the other pain -- the other  
 15 medicine, for my pain, I can't. You need an ID.  
 16 So I take him along.  
 17 Q And it's in your brother-in-law's name that you  
 18 pick up the medication?  
 19 A No, it's in my name, but since I don't have an ID,  
 20 my brother-in-law goes with me. But I go with him;  
 21 you know, we go together.  
 22 Q Do you have a guardian?  
 23 A Used to.  
 24 Q And that was -- that was your sister?  
 25 A That was my sister.

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1 Q But right now there's no legal guardianship?  
 2 A No, no, no.  
 3 Q I'd like to talk about the process of getting a  
 4 Wisconsin ID. Do you remember when you first tried  
 5 to get a Wisconsin state ID?  
 6 A The first time?  
 7 Q Yes.  
 8 A I think I remember. I don't. It's just I've been  
 9 to so many places that I don't remember if it was  
 10 here or if it was there. I just don't, no, I  
 11 don't.  
 12 Q Do you remember was it before you lived in Tampa?  
 13 A Yes, I believe so. It was before I lived in Tampa.  
 14 Q And when I say when you lived in Tampa, just so  
 15 we're clear, I'm talking about the ten-year period  
 16 from around 2004 to 2014. Is that understood?  
 17 A Yes.  
 18 Q And so you said it was before that ten-year period  
 19 that you first tried to get a Wisconsin ID?  
 20 A Yes, but I was unable to do anything.  
 21 Q And why is that?  
 22 A It's because I didn't have a birth certificate. I  
 23 went with my mom to try to do it, but they also  
 24 said no. They wanted a birth certificate, so I was  
 25 unable to do anything.

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1 Q Do you remember where you lived when you first  
2 started applying for a Wisconsin ID?  
3 A Here.  
4 Q Do you remember your address?  
5 A Well, that's been so long. Because I've lived on  
6 Lapham, on Mitchell, on Orchard. I've lived in so  
7 many places, I just don't remember.  
8 Q Okay. Now, talking specifically about since you've  
9 moved back from Tampa, have you tried to get an ID  
10 since you moved back from Tampa?  
11 A Yes, but I've been unable to. Because my  
12 brother-in-law would take me to the places, and  
13 there was nothing -- nothing I could do.  
14 Q Can you describe the steps that you took when you  
15 first started, after moving back from Tampa, to get  
16 an ID?  
17 A Well, in order to get my identification, I've took  
18 in all of my documents. I took all the documents  
19 that I'm showing them where I was born. Well, no,  
20 not the one's showing them where I was born, but my  
21 other documents, but I was unable to get an ID.  
22 They wouldn't give it to me because I did not have  
23 a birth certificate.  
24 And I took in my school records, my  
25 baptism records, but none of those were of any use.

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1 And I also told them the date I was born, which is  
2 1/1/58, but they didn't pay any attention to me.  
3 Q You said you showed them the baptism certificate?  
4 A Yes, this one, yes, and the school ones and  
5 everything, any other proof I had, but they said  
6 they were unable to do anything with that.  
7 Q Do you remember who you showed those documents to,  
8 the baptism certificate and the school records?  
9 A I showed it to everybody to try to get an ID. I  
10 took it to the DMV, where you get an ID. I took it  
11 to another place. I took it everywhere, but  
12 nothing.  
13 Q I'm handing you now what's been labeled Exhibit 3.  
14 A This is where I used to live with my sister.  
15 Q Have you seen this document before?  
16 A Let me see. Well, since it's in English, I don't  
17 know, because the only one who helps me with this  
18 is my brother-in-law. Motor vehicles? This is  
19 where I went to apply to get an ID.  
20 Q I'll represent to you that this is a letter from  
21 the Department of Motor Vehicles, the Wisconsin  
22 Department of Transportation, denying your request  
23 for an ID. Do you recall getting this letter then?  
24 A I believe so, but it's so many documents that I  
25 have at home, and they're just a mess. And then I

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1 do remember getting this letter, but I don't know  
2 if I have it put away in drawers or in a closet.  
3 It's just a lot of letters.  
4 Q But you do recall getting a letter denying your  
5 petition for an ID; is that correct?  
6 A Yes, because they were unable to find me anywhere.  
7 Q And I'm looking at the second page of this  
8 document, about halfway down the page. There's a  
9 sentence that reads, and I'm looking, "As  
10 previously discussed with you, secondary  
11 documentation may include the following:"  
12 And one of the bullet points is  
13 "Baptismal certificate." That's the top bullet  
14 point. And the fifth line down is "Early school  
15 record."  
16 Are you saying that you showed the DMV  
17 both your baptismal certificate and the early  
18 school record?  
19 A Yes, yes, and they paid no mind to me. They told  
20 me that it had to be a birth certificate and that  
21 this was worthless. And I took in the school  
22 record and the baptism record, and nothing, they  
23 said nothing could be done, nothing.  
24 Q So if there was a note from a DMV worker saying  
25 that you hadn't provided any of those documents,

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1 would you say that's an incorrect statement? And  
2 by "those documents," just to clarify, I'm talking  
3 about a baptismal certificate and an early school  
4 record.  
5 A Yes, because I went with all of my proof, with my  
6 brother-in-law, and they said no. Right there and  
7 then, they told us that there was nothing we could  
8 do, so we left. And the only one who helps me  
9 manage all of this is my brother-in-law.  
10 Q Were there ever any translators other than your  
11 brother-in-law when you were involved in applying  
12 for an ID?  
13 A No, I would always take my brother-in-law. There  
14 was another one, more or less, I remember, I don't  
15 know, but I would always take my brother-in-law.  
16 Q And did DMV ever provide somebody to help  
17 translate?  
18 A There was one in Spanish, but nothing. They didn't  
19 do anything either.  
20 Q There was one time when they had someone to  
21 translate?  
22 A No, it was twice, because I went two times, one to  
23 get a state ID, and one to get an ID to vote, and  
24 both times I was denied.  
25 Q You went to get a state ID separate from getting an



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1 ID to vote; is that correct?

2 A Yes. I was denied an ID from Wisconsin, but they

3 told me that I could get one to vote, which is fine

4 for me because that way I could still move around,

5 and I can get my apartment and send it to housing

6 and use it for that.

7 But they still said no. And my

8 brother-in-law was there, and they couldn't do

9 anything, so we left.

10 Q Why did they deny you for the Wisconsin ID, as

11 opposed to the ID for voting, if you know?

12 A I don't know. I don't know.

13 Q After they denied you for the Wisconsin ID, they

14 said you could still try to get an ID for voting?

15 A They said no. They said no. I couldn't do

16 anything.

17 Q So after you -- strike that.

18 You were denied two separate times?

19 A Yes.

20 Q Once for a Wisconsin ID, and once for a voting ID?

21 A Yes, yes, yes.

22 Q What's your understanding of what the Wisconsin ID

23 would have been that's different than the voting

24 ID?

25 A I don't know what the difference is.

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1 MR. CURTIS: Yeah, I would add an

2 objection that you're calling -- asking the witness

3 to make a legal conclusion, which he's not able to

4 make. I believe there's just one kind of ID.

5 MR. JOHNSON-KARP: That's my

6 understanding.

7 MR. CURTIS: I believe, although I don't

8 want to put words in his mouth, but I think he's

9 talking about before Florida and after Florida, but

10 I'm unsure.

11 BY MR. JOHNSON-KARP:

12 Q Were the two denials, what you're calling the

13 Wisconsin ID and the ID for voting, were those both

14 after you moved back from Tampa?

15 A Yes, that's when I came here. That's where I did

16 it, here.

17 Q And you've been denied twice since you got back

18 from Tampa; is that right?

19 A Twice when I've arrived from Tampa.

20 Q And in both of those processes, you showed them the

21 baptismal certificate and the early school records;

22 is that correct?

23 A Yes, I've showed them all of my documents, to the

24 Court, to my attorney, to everyone, and there's

25 nothing that's been able to get done.

1 Well, when I was in Tampa, I also got an

2 attorney from Legal Aid to help me. So then what I

3 did is I took in my mom so she could go in and say

4 she was my mom. But then the attorney was like,

5 no, the issue -- we're not going to talk to her; we

6 need to talk to you. I don't know why they would

7 want to talk to me. She's my mom; they could talk

8 to her.

9 Q Was your mother involved, since moving back from

10 Tampa, when you tried to get a Wisconsin ID for

11 voting?

12 A She has helped me quite enough. There's not much

13 she can do because she's very old. And I don't

14 want to burden her so much because she can barely

15 walk because of her knees.

16 Q Did she ever, if you recall, call the Department of

17 Motor Vehicles?

18 A That I am aware of, I don't remember.

19 Q Were you ever with her when she --

20 A Wait a minute. Well, I did go to Tampa, and I went

21 to the motor vehicles to get an ID, but it was also

22 denied. And on that occasion, my cousin took me.

23 Q When you were in Wisconsin trying to get a

24 Wisconsin voter ID, do you ever remember being with

25 your mother when she spoke on the telephone to the

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1 Department of Motor Vehicles?

2 MR. CURTIS: Let me -- let me just -- let

3 me just interject something. You've given the

4 witness a letter from DMV. Particularly in light

5 of his memory -- I mean, this isn't a memory

6 test -- I'm wondering, may he refer to the exhibit

7 to --

8 MR. JOHNSON-KARP: He may. And I guess

9 I'm just --

10 MR. CURTIS: I know you're not trying to

11 trap him, but it's right in front of him, Gabe.

12 MR. JOHNSON-KARP: Right.

13 MR. CURTIS: In this letter --

14 Gabe, what's the -- may I read this to

15 him, because he's not --

16 MR. JOHNSON-KARP: That's fine.

17 MR. CURTIS: Okay. In this letter in

18 January 15, 2015, it says -- this is from DMV -- it

19 says that with your cooperation, DMV compliance

20 unit staff spoke with your mother, Doris London,

21 regarding your case. Your mother communicated that

22 your date of birth may be January 1st, 1958, not

23 June 17th, 1958, as originally thought.

24 And then later, under April 17, 2015, it

25 says your mother, Doris London, called and spoke

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1 with DMV compliance staff, communicating that she  
2 did not have any information that could  
3 substantiate your birth record.  
4 She went on to say that she believed your  
5 date of birth to be January 1st, 1958, and that the  
6 hospital where you were born burned down, and all  
7 records were lost.  
8 THE WITNESS: That's what I was told as  
9 well by her.  
10 BY MR. JOHNSON-KARP:  
11 Q Does this summary accurately reflect the process  
12 that you went through?  
13 A Yes. Yes, because I had a list of documents, a  
14 huge list of documents, and then I paid \$25 to get  
15 the documents from 1958 and back, but it also  
16 didn't show.  
17 Q Who did you pay \$25 to?  
18 A Over there in Madison, but I don't recall exactly.  
19 I know it was Madison, but I don't know who, but  
20 they told me if I paid another \$25, they would  
21 expand the search to ten years prior, but that's  
22 all I remember.  
23 I think it's the place where you ask --  
24 or you try to find birth certificates, because  
25 that's where I sent it, but I can't recall exactly.

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1 I think that's where it is.  
2 Q And that was in attempt to find your birth  
3 certificate; is that --  
4 A Yes. No, but it never showed up any results from  
5 my mom's name, my father's name, or mine.  
6 Q And was that a search in Pennsylvania records?  
7 A Yes.  
8 Q Did it search -- was the search for any other  
9 records, or just Pennsylvania?  
10 A Well, see, when I was in Tampa, Florida, I had a  
11 friend, and that friend worked for an attorney's  
12 office, and they were helping me, see? And then  
13 she sent all of the information, and then about a  
14 week later she received a letter, and since I was  
15 always around there, I stopped by. And since the  
16 letter was in English, well, she helped me, and  
17 what it said was that they couldn't find anything  
18 and that there was nothing else they could help me  
19 with.  
20 And then I had all of those records put  
21 away with my cousin, but when I went back to get  
22 them, my cousin had thrown them all away, so there  
23 was nothing I could do about that because I hadn't  
24 gone over there to get them.  
25 Q And that was in Tampa?

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1 A Yes. I had all of the records put away,  
2 everything.  
3 Q Which records?  
4 A Well, the birth certificate, looking for the birth  
5 certificate by searching by my name, searching by  
6 my name backwards, searching by my birthdate,  
7 searching by my birthdate backwards, searching by  
8 my first name, by my last name, switching those  
9 around, and also searching by another name that my  
10 mom told me I had, which is David Allen.  
11 Q So when you say you had the records, these were --  
12 THE INTERPRETER: I'm sorry. Interpreter  
13 forgot something.  
14 THE WITNESS: And I've spent a lot of  
15 money trying to do this, so much money that it's  
16 just too much. Ten years in search of those  
17 documents, and nothing.  
18 BY MR. JOHNSON-KARP:  
19 Q And when you were talking about the records that  
20 your cousin lost -- or your cousin threw away,  
21 those were records of the search, or were you able  
22 to find any records, such as a birth certificate?  
23 A Well, it's documents showing that I would mail  
24 them, and then they would mail me back, and then  
25 sometimes they would mail me back, and then they

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1 would mark the paper with a yellow magic marker.  
2 And there was never anything. Nothing showed up.  
3 And that was it. There was nothing else I could  
4 do.  
5 And then they would ask me questions  
6 like, what's the birthdate? And I said, well, I  
7 don't -- how am I supposed to tell you if I don't  
8 really know? And I changed it to see, but it never  
9 showed up, so I don't know what else I could do.  
10 Q So just to be clear, those records never  
11 produced -- you never got a birth certificate; is  
12 that correct?  
13 A Never, never. Because my sister, she went into the  
14 computer, and they told her send \$50, and the  
15 record never showed up, and neither did my 50  
16 bucks. They've kept all of the money. I don't  
17 know why.  
18 Q And you mentioned paying in Wisconsin -- you  
19 mentioned paying \$25. Do you remember if that was  
20 in Wisconsin or in Florida?  
21 MR. CURTIS: Don't guess. Don't guess.  
22 If you remember. If you don't remember, it's okay.  
23 THE WITNESS: Well, let me see. Let's  
24 see if I remember. No, I don't recall. I don't  
25 recall.

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1 BY MR. JOHNSON-KARP:  
 2 Q I'm looking at Exhibit 3, the denial letter. It's  
 3 dated June 10th, 2015. Since receiving -- since  
 4 that date, have you tried to gather any more  
 5 documents to try to get an ID?  
 6 A Yes, but nothing. No, everything was denied.  
 7 Q What else have you tried to get since then?  
 8 A After this, I've gone to other places, I don't  
 9 remember the name, but they've sent me to other  
 10 places. But they always request my birth  
 11 certificate, which I cannot give them because I  
 12 don't have it, and there's nothing else I can do.  
 13 Q Are you aware of any family Bible?  
 14 A What does that mean?  
 15 Q That would have your name in it from when you were  
 16 young?  
 17 A I don't recall.  
 18 Q Have you looked for any census records?  
 19 A What is that?  
 20 Q Records from the state where you were born that  
 21 would show that your parents lived there?  
 22 A Yes, but nothing.  
 23 MR. JOHNSON-KARP: Counsel, if we can  
 24 take maybe five minutes.  
 25 MR. CURTIS: Sure.

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1 MR. JOHNSON-KARP: I think we could  
 2 probably finish up before lunch, but I just want to  
 3 review my notes.  
 4 MR. CURTIS: Okay. I may have a little  
 5 bit to follow up, but not a lot.  
 6 MR. JOHNSON-KARP: Okay. Given that,  
 7 would it be okay with everyone if we would go to  
 8 12:30 without a lunch break?  
 9 THE INTERPRETER: That's fine with me.  
 10 MR. CURTIS: It's okay with you, Jose?  
 11 MR. ROBLES: Um-hum.  
 12 MR. CURTIS: Yeah, it's about 11:30 now.  
 13 THE WITNESS: That's fine.  
 14 MR. CURTIS: Are you okay for about one  
 15 more hour?  
 16 THE WITNESS: Yes, that's fine. The  
 17 important thing is that everything gets worked out.  
 18 MR. CURTIS: Okay.  
 19 (A recess was taken from 11:32 p.m. to  
 20 11:49 p.m.)  
 21 MR. JOHNSON-KARP: On the record.  
 22 Q Mr. Aponte, do you understand that you're a  
 23 plaintiff in the case One Wisconsin Institute  
 24 versus Nichol?  
 25 A Yes.

1 Q How did you first become aware of this case?  
 2 A I don't know. I have no idea. That just came out  
 3 of nowhere. An attorney contacted me on the phone,  
 4 but since there wasn't an interpreter available, I  
 5 had to call back the next day, and there still  
 6 wasn't an interpreter. So then my brother-in-law  
 7 called for me.  
 8 And the thing is that at first, I had  
 9 went to Legal Aid. And then I went to Legal Aid,  
 10 and then after I left Legal Aid in the afternoon, a  
 11 lawyer called me. I didn't know that a lawyer was  
 12 going to call me. But he called me, and I couldn't  
 13 really understand because of the English, but I did  
 14 understand "ID," and that's why I couldn't talk to  
 15 him until the next day, until my brother-in-law  
 16 helped me.  
 17 Q And do you recall what you were first told when you  
 18 spoke on the phone?  
 19 A They said, "ID." I don't know anything else.  
 20 Q Did they ask if you wanted to be a witness in this  
 21 case?  
 22 A Well, I don't know, because since they spoke  
 23 English and all I was able to understand was "ID,"  
 24 there was really nothing else I could understand.  
 25 So then my brother-in-law called them and talked to

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1 them, so I don't know.  
 2 So I called him, and I said, hey,  
 3 somebody called me on the phone, and they mentioned  
 4 something about an ID. So I got the person's phone  
 5 number, and I gave it to him for him to call.  
 6 Q Do you remember when that was?  
 7 A No, I don't recall.  
 8 Q Do you think it was before the 1st of the year, so  
 9 before 2016?  
 10 A I think it was this year, 1916, I think so.  
 11 Q 2016?  
 12 A Yes.  
 13 Q And do you remember when you were asked about being  
 14 a plaintiff in this case?  
 15 MR. CURTIS: I would object to the extent  
 16 you're getting into any questions that would be  
 17 covered by the attorney-client privilege.  
 18 MR. JOHNSON-KARP: Okay. Understood.  
 19 MR. CURTIS: I mean, anything about  
 20 witness --  
 21 MR. JOHNSON-KARP: Sure, sure.  
 22 MR. CURTIS: Anything about witness okay,  
 23 but I think at the point of --  
 24 MR. JOHNSON-KARP: Right. And that's the  
 25 line I'm trying to get to is when those days --

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1 MR. CURTIS: I understand.

2 MR. JOHNSON-KARP: At some point --

3 MR. CURTIS: I think that's a fair point,

4 Gabe, so if you want to go up to the line --

5 MR. JOHNSON-KARP: Sure.

6 MR. CURTIS: -- and then -- and then --

7 MR. JOHNSON-KARP: Sure.

8 MR. CURTIS: That's fine.

9 BY MR. JOHNSON-KARP:

10 Q At some point did you agree to be a witness in this

11 case?

12 A Yes.

13 Q Was that soon after you received the first call

14 from an attorney in this -- about this case?

15 A Yes.

16 Q So based on your first answer -- or your answer

17 earlier, that would have been, you think, in 2016?

18 A To me, I think it was in 2016. Yes, that's because

19 when I went downtown to see the attorney, and then

20 they asked me if I wanted to present it before a

21 judge, certify this before a judge, and I said yes,

22 because my papers were being denied.

23 Q Okay. Do you remember the name of the person who

24 contacted you?

25 A No. I don't recall names very well.

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1 Q Do you know why you're a plaintiff in this case?

2 MR. CURTIS: Objection. Confusing.

3 THE WITNESS: No, I don't know, I don't

4 know.

5 BY MR. JOHNSON-KARP:

6 Q At the end of this case, what outcome would you

7 like to see?

8 MR. CURTIS: Objection, confusing, but he

9 can answer.

10 THE WITNESS: That the law be followed

11 the way it should be, because I am an American

12 citizen.

13 BY MR. JOHNSON-KARP:

14 Q And are you hoping that at the end of this case,

15 you'll get an ID?

16 A If I'm helped, yes, because I can't do anything

17 about it. I don't know anything about this.

18 Q Mr. Aponte, I understand that you've been convicted

19 of two crimes in Wisconsin; is that correct?

20 MR. CURTIS: And let me -- let me -- one

21 moment. I want to object to the questioning

22 because the convictions are so old, and they do not

23 relate to Mr. Aponte's truthfulness, but he can

24 answer.

25 THE WITNESS: No, the case doesn't have

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1 anything to do with that.

2 MR. CURTIS: Well, but he -- you do have

3 to -- he has to answer, but it's okay, it's okay.

4 BY MR. JOHNSON-KARP:

5 Q Twice?

6 A Yes.

7 Q Were you ever convicted in any other state of any

8 crime?

9 A No, just here.

10 Q Do you remember when your parole or probation or

11 supervision period ended for those cases?

12 A I think it was in 2001.

13 Q Did you vote while you were still on parole or

14 extended supervision?

15 A No.

16 Q Did you ever live at 2225 West Orchard Street?

17 A Yes, that I remember.

18 Q If someone named David Aponte living at that

19 address registered and voted in November 2000,

20 would that have been you?

21 A Not that I recall, because I lived with my brother

22 at that address.

23 Q But there wasn't another David Aponte who lived

24 there, was there?

25 A No, no.

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1 Q Do you know a David Morrobel, spelled

2 M-O-R-R-O-B-E-L?

3 A I don't even know who that is.

4 Q You don't know? Have you ever used that name?

5 A That I recall, I don't remember that name.

6 Q You've never referenced to anybody that that was

7 your name?

8 A No. I was known as Rambo.

9 Q But never David Morrobel?

10 A No, Rambo.

11 Q Do you have any idea why someone with that name

12 would use your social security number?

13 A Well, I don't know, because like I told you, I lost

14 all of my papers, and I reported it, so I don't

15 know if somebody used it or what, I don't know, but

16 I know I reported it.

17 Q But you don't know any David Morrobel who you've

18 given permission to use your social security

19 card -- or number, rather?

20 A No, I don't even know that name. I don't even know

21 my own friends' names. I just say "hi," and that's

22 it, that's all.

23 Q Do you know a Yolanda Betancourt,

24 B-E-T-A-N-C-O-U-R-T?

25 A Nope, don't know her either. Don't know.

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1 Q You wouldn't have any idea why she would have the  
2 same social security number as you?

3 A I don't know. Well, I'm remembering that when I  
4 was in Tampa, Florida, and I went to get food  
5 stamps, I remember that when they looked on the  
6 computer, they said that I was paying child support  
7 for three children, and I've never had any kids in  
8 Tampa.

9 Q Do you have any kids anywhere?

10 A I never had children.

11 Q Did the people in Tampa that you were talking about  
12 just now mention a Yolanda Betancourt?

13 A No. They just said the name was David Aponte, and  
14 it had the same social security number in Tampa,  
15 Florida, but I had never lived in Tampa, Florida.

16 Q When was that?

17 A When I went to live with my mom in 2004, and I had  
18 never been to Tampa, Florida.

19 Q Before that, you had never lived in Tampa, Florida?

20 A No, never, never.

21 Q And were you required to pay child support for  
22 those children?

23 A No. Somebody's paying, but it wasn't me, because I  
24 told them, I said, this is the first time I've come  
25 to Tampa, Florida. How am I going to pay? I don't

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1 have any kids.

2 And they say that they have my same name  
3 and social security number. How? I don't know.  
4 And that's why I couldn't get food stamps over  
5 there.

6 Q Because somebody else was using the same social  
7 security number?

8 A Yes. And that's what I don't understand. How?  
9 Maybe, I'm just saying maybe, my opinion, is that  
10 maybe when I lost them, somebody found them, and  
11 they started reporting them. I don't know. I'm  
12 just saying. I lost them, and I reported them.

13 Q You're saying lost your documents, your social  
14 security card?

15 A Yes, the ID, everything.

16 Q Does that refer to when it was lost from your  
17 cousin's house?

18 A No. That was here in Milwaukee when I lost all of  
19 my documents.

20 Q But is that the same situation you were talking  
21 about earlier, that your cousin threw away your  
22 documents?

23 A No, no. When those got lost, it was when I had my  
24 county ID, and that's the one that was lost in  
25 Tampa, Florida, over there, where I didn't have any

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1 kids. And that Yolanda, I have no idea who that  
2 would be. I barely know anybody, because I only go  
3 from my house to my sister's house, to my friend's  
4 house, that's it.

5 Q I think you mentioned that if somebody voted in  
6 2000 in your name, that wouldn't have been you; is  
7 that correct?

8 A To me, I don't think so.

9 Q You don't think you voted in 2000?

10 A No, I didn't vote in 2001.

11 Q In 2000.

12 A No, no, because I was in prison in 2000, and then I  
13 got out.

14 Q And you got out still in the year 2000; is that  
15 correct?

16 A Yes, I do remember I got out around -- well, I  
17 remember around that date. And then I got out, and  
18 I was on parole for about a year and a half only.  
19 And that's when I finished parole, around 2001.

20 Q And you said you did not vote in 2000?

21 A No, never.

22 Q So if someone used your name and your address to  
23 vote in the year 2000, that wouldn't have been you,  
24 correct?

25 A No. No, no, I never voted in 2000.

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1 Q Would you be upset if somebody used your name and  
2 your address to vote?

3 A Yes, because I reported it, and if I reported it  
4 and they know about it, then they should have  
5 investigated that person.

6 Q Did you report somebody else voting in your name?

7 A I didn't report that because I didn't know they had  
8 used that.

9 MR. JOHNSON-KARP: I don't have any more  
10 questions.

11 MR. CURTIS: Okay. May we go off the  
12 record for about five to ten minutes at most?

13 (A recess was taken from 12:09 p.m. to  
14 12:25 p.m.)

15 MR. CURTIS: Back on the record.

16 EXAMINATION

17 BY MR. CURTIS:

18 Q I have just several questions in follow-up,  
19 Mr. Aponte.

20 A Okay.

21 Q You have been in a lot of pain this morning; is  
22 that right?

23 A Yes, too much.

24 Q And where? Where does it hurt?

25 A Well, here I have a muscular muscle, and here I



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<p>1 have that piece that hurts a lot, and I forgot to</p> <p>2 bring the pill with me.</p> <p>3 Q I'll keep this short. Even though you've been in</p> <p>4 pain, you can understand the questions?</p> <p>5 A Yes.</p> <p>6 Q Except when they're very long?</p> <p>7 A Yes, that's where I get stuck.</p> <p>8 Q Okay. When you vote, do you make your own decision</p> <p>9 who to vote for?</p> <p>10 A Yes.</p> <p>11 Q There was an election, a primary election, here</p> <p>12 earlier this month. Did you want to vote in it?</p> <p>13 A Yes, and I wasn't allowed to.</p> <p>14 Q Mr. Aponte, if I remember, you were born in</p> <p>15 West Chester, Pennsylvania?</p> <p>16 A Correct.</p> <p>17 Q Is that where your mother is from?</p> <p>18 A Correct.</p> <p>19 Q Okay. And your mother's last name is "London"?</p> <p>20 A Correct.</p> <p>21 Q Okay. I'd like to refer, Mr. Aponte, to Exhibit 2,</p> <p>22 which contains your baptism certificate and your</p> <p>23 school records.</p> <p>24 A Yes, correct.</p> <p>25 Q Your baptism certificate says "David London."</p>	<p>1 Q And the second time, what did they say?</p> <p>2 A That, no, it had to be a birth certificate.</p> <p>3 Q When you applied to the DMV for a voter ID, did the</p> <p>4 DMV ever offer to help you pay for any documents</p> <p>5 you needed?</p> <p>6 A No.</p> <p>7 Q How would I -- how would you feel if I told you</p> <p>8 that the DMV is offering to help some people pay</p> <p>9 for their documents?</p> <p>10 A What was that? Again.</p> <p>11 Q Okay. Would you be upset if you found out that DMV</p> <p>12 is helping other people pay for their documents?</p> <p>13 A Yes.</p> <p>14 Q Has anyone from DMV ever explained to you why</p> <p>15 they're not helping you pay for documents?</p> <p>16 A No.</p> <p>17 Q You testified earlier that your mother spoke with</p> <p>18 DMV on the telephone?</p> <p>19 A Yes.</p> <p>20 Q Your mother is probably a good person to know where</p> <p>21 and when you were born; do you agree?</p> <p>22 A Yes, correctly.</p> <p>23 Q Did anyone from DMV explain to you why they</p> <p>24 wouldn't take your mother's -- what am I -- what</p> <p>25 word am I looking for?</p>
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<p>1 A Correctly.</p> <p>2 Q But that's not your full name.</p> <p>3 A No.</p> <p>4 Q Okay. But "London" is your -- your -- the name</p> <p>5 "London" is, because that's your mother's name.</p> <p>6 A Yes, my mom, correct.</p> <p>7 Q Do people in Spanish culture use their mother's</p> <p>8 name sometimes?</p> <p>9 A No. I've always used my father's, Aponte, my</p> <p>10 entire life.</p> <p>11 Q Okay. Do you remember showing your baptism</p> <p>12 certificate and your school records to the DMV?</p> <p>13 A Correctly.</p> <p>14 Q Was that here in Milwaukee?</p> <p>15 A Yes, here, yes, yes.</p> <p>16 Q At a DMV office?</p> <p>17 A Yes, correctly.</p> <p>18 Q And what did they say?</p> <p>19 A That that did not work here; that it had to be a</p> <p>20 birth certificate.</p> <p>21 Q Did you ever take these documents to DMV a second</p> <p>22 time?</p> <p>23 A Yes, correctly.</p> <p>24 Q Was that also here in Milwaukee?</p> <p>25 A In Milwaukee here, both times.</p>	<p>1 Did anyone from DMV explain to you why</p> <p>2 they would not accept what your mother said?</p> <p>3 A No, never.</p> <p>4 Q Okay. Did anyone from DMV ever suggest that your</p> <p>5 mother fill out an affidavit?</p> <p>6 A Not either.</p> <p>7 Q Do you remember if you ever suggested that your</p> <p>8 mother fill out an affidavit?</p> <p>9 A No. No, I don't really recall.</p> <p>10 Q Okay. Would you be upset if you found out that DMV</p> <p>11 allows some people to submit affidavits as proof?</p> <p>12 MR. JOHNSON-KARP: Objection. Vague.</p> <p>13 THE WITNESS: Yes.</p> <p>14 BY MR. CURTIS:</p> <p>15 Q Mr. Aponte, you said that you understand from your</p> <p>16 mother that the hospital where you were born burned</p> <p>17 down.</p> <p>18 A It burned, correct.</p> <p>19 Q Did anyone from DMV ever help you look for the</p> <p>20 records from that hospital?</p> <p>21 A No. I just remember that they sent a letter saying</p> <p>22 that they were unable to do anything.</p> <p>23 Q Okay. You said your mother's family is from -- was</p> <p>24 from Pennsylvania; is that right?</p> <p>25 A Yes, correct. That's where I met my grandmother.</p>

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<p>1 Q Do you know if DMV ever looked for census records 2 about your mother from Pennsylvania? 3 A No. 4 Q Did DMV do anything to help you look for any of 5 these documents? 6 A No, nothing. 7 Q Did DMV ever make any telephone calls to 8 Puerto Rico? 9 A I don't know. 10 MR. CURTIS: Okay. That's all I have, 11 counsel. 12 MR. JOHNSON-KARP: I don't think it was 13 an issue here, but just in keeping with the case, 14 if there was any confidential information, I would 15 just ask that any filings be in compliance with our 16 confidentiality agreement. 17 MR. CURTIS: Of course. I don't believe 18 that's an issue here, since Mr. Aponte has come 19 forward publicly. 20 MR. JOHNSON-KARP: Okay. 21 MR. CURTIS: But I agree with you. If 22 there is anything, I agree. 23 MR. JOHNSON-KARP: Okay. Thank you. 24 MR. CURTIS: Are you all done? 25 MR. JOHNSON-KARP: I'm all done.</p>	<p>1 STATE OF WISCONSIN ) 2 MILWAUKEE COUNTY ) 3 I, JULIE A. POENITSCH, RPR/RDR, Certified 4 Realtime Reporter, and Notary Public in and for the 5 State of Wisconsin, do hereby certify that the preceding 6 deposition was recorded by me and reduced to writing 7 under my personal direction. 8 I further certify that said deposition 9 was taken before me at GRAMANN REPORTING, LTD., 740 10 North Plankinton Avenue, Suite 400, Milwaukee, 11 Wisconsin, on the 28th day of April, 2016, commencing at 12 9:08 a.m. and concluding at 12:37 p.m. 13 I further certify that I am not a 14 relative or employee or attorney or counsel of any of 15 the parties, or a relative or employee of such attorney 16 or counsel, or financially interested directly or 17 indirectly in this action. 18 In witness whereof, I have hereunto set 19 my hand and affixed my seal of office at Milwaukee, 20 Wisconsin, on this 9th day of May, 2016. 21 22 JULIE A. POENITSCH - Notary Public 23 In and for the State of Wisconsin 24 My commission expires January 25, 2019. 25</p>
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<p>1 (Concluded at 12:37 p.m.) 2 (Original exhibits were attached to 3 original transcript; copies to transcript copies.) 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	

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